

Remarks

Applicants thank Examiner for the courtesy shown to their Attorney during the phone conversations on May 8 and May 14, 2004, where the Wu et al. reference was discussed. Applicants respectfully request Examiner consider the following remarks.

Examiner has maintained rejected claim 6 as unpatentable over Wu, et al. (US 6,203,156) stating that

"Wu et al. discloses a surface roughness less than 10 microns RMS (10,000 nm RMS), more preferably less than 3 microns RMS (3000 nm) and most preferably less than 0.5 microns (500 nm RMS), which overlaps with the claimed range of less than about 4 nm RMS". Page 3, second paragraph, paper # 11.

The text cited by Examiner is located at column 2, lines 59- 64 of Wu et al. and reads:

To improve the focusing power of the concave surfaces of the mark, it is preferred that the **concave surface of the identifying mark** be smooth, that is, the surface preferably has a surface roughness less than 10 microns RMS, more preferably less than 3 microns RMS and most preferably less than 0.5 microns (500 nm RMS).

Thus, Wu discloses contact lenses having identifying marks, wherein the surface of the **identifying mark**, not the contact lens, has a specific roughness.

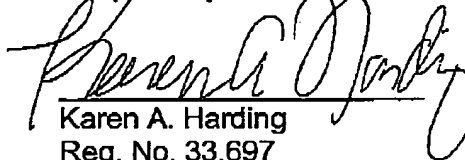
Claim 6 of the present invention recites "A silicone hydrogel contact lens, comprising at least one surface **wherein periodic structures on the surface are of** a periodicity of less than about 3 μ m and **an amplitude of less than about 4 nm RMS**."

The periodic structures disclosed in Wu et al. are the identifying marks, or holes. The bottom of the hole is concave in shape (column 2, lines 39-42, Figures 2 and 4) and has a maximum depth range which varies based upon the width of the hole. At the most shallow, the identifying marks or holes have a depth from 0.5 microns (500 nm) to 35 microns (35,000 nm). Column 4, lines 37-40. Thus, Wu et al. discloses periodic structures (holes), which have amplitudes

which are 100 to 10,000 times deeper than the amplitude recited in the present application. There is no overlap between the periodic structure amplitude recited in the present application and the maximum depth of the identifying marks in Wu et al.

Accordingly, there is no overlap in the amplitude or periodicity ranges specified in Wu et al. Applicants respectfully submit that the rejections based upon the cited references have been overcome and should be withdrawn. A notice of allowance of all claims is respectfully submitted. If the Examiner believes that a telephone conversation would expedite the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,


Karen A. Harding
Reg. No. 33,697
Attorney for Applicants

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Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(904) 443-3074